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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,115	11/15/2000	John Robert Van Wiemersch	200-0289	3382
28549	7590	04/22/2004		
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			EXAMINER AFSHAR, KAMRAN	
			ART UNIT 2681	PAPER NUMBER
			DATE MAILED: 04/22/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,115

Applicant(s)

VAN WIEMEERSCH ET AL.

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshaar (U.S. patent 6,580,916 B1) in view of Guthrie (U.S. Patent 5,565,858).

With respect to claims 1, 10, Weisshaar discloses method / a remote command system for a vehicle (See Co. 1, Lines 35-54 110, 108, 109, 106 of Fig. 1), a portable handheld with inherent short-range (i.e. Bluetooth, Infrared, etc.) transmitter (See Co. 1, Lines 55-60); an inherent short-range wireless receiver mounted (i.e. within the boundaries of the vehicle) on the vehicle (See Co. 4, Lines 1-10), short-range wireless receiver being capable of receiving a coded signal having a first predefined protocol from portable handheld (108 of Figs. 1-2 138, 140 of Fig. 2, Co. 3, Line 62 –Co. 4, Line 11), short range transmitter coded signal containing a command to operate a predefined vehicle function (See i.e. Co. 9, Lines 12-18), short-range (i.e. Bluetooth, Infrared, etc.) wireless receiver sends commands that operate predefined vehicle functions (See Co. 5, Lines 18-37 & 136, 138, 140, 142, 110, 106 of Fig. 2); a long-range wireless (i.e. Radio Frequency (RF)) communication system for sending a coded signal having a second predefined protocol that is different from first predefined protocol (See 110, 106, 142 of Figs. 1-2). However, Weisshaar does not explicitly teach a gateway device (interface or transceiver, and or transmitter/receiver) that receives a coded signal from a long-range wireless communication device, translates the coded signal to first predefined protocol and communicates the translated signal to a short-range receiver. In the same field of endeavor, Guthrie explicitly teaches a gateway (See i.e. 210 of

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Figs. 6-7, Co. 11, Lines 57-64, Co. 14, Lines 40-45) device that receives a coded signal from a long-range (i.e. first frequency) wireless communication device, translates coded signal to first predefined protocol and communicates the translated signal to (i.e. second frequency and / or modified first frequency) a short-range receiver (Further See i.e. 102, 210, 114, 116 of Fig. 6, 210 of Fig. 7, 102 of Figs. 8-10). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Guthrie to Weisshaar to facilitate a device (interface, transceiver, and or transmitter/receiver) capable of communicating both long-range and short-range in wireless communication as suggested by Guthrie (See i.e. 2, Lines 22-32).

Regarding claim 2, Weisshaar discloses a long-range receiver (108, 142, 122, 144, 159, 106, 110 of Figs. 1-2) that is capable of receiving coded signal from long-range wireless communication device; and a wireless signal (See Co. 4, Lines 38-45) transmitter located on the vehicle for transmitting a command to short-range receiver using first predefined protocol (See Co. 5, Lines 1-10)

Regarding claim 3, Weisshaar discloses wireless signal transmitter is a RF transmitter (See Co. 5, Line 64 – Co. 6, Line 4).

Regarding claim 4, Weisshaar discloses long-range wireless communication system is a cellular system (See Co. 5, Line 64 – Co. 6, Line 4, Figs. 1-2).

Regarding claim 5, Weisshaar discloses long-range wireless communication system is a satellite system (See Co. 4, Lines 20-24).

Regarding claim 6, Weisshaar discloses long-range wireless communication is a digital broadcast system (See Co. 3, Line 50 – Co. 4, Line 10).

Regarding claim 7, Weisshaar discloses long-range wireless communication system is an Internet connection (See Co. 1, Lines 35-60 & 114 of Fig. 1).

Regarding claim 8, Weisshaar discloses long-range wireless communication system is a phone connection (See Co. 1, Lines 35-60, Co. 3, Line 62 – Co. 4, Line 10 & 108 of Fig. 1).

Regarding claim 9, Weisshaar discloses long-range wireless communication system is a pager system (See Co. 1, Lines 35-60, Co. 3, Line 62 – Co. 4, Line 10 & 108 of Fig. 1).

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Regarding claim 11, Weisshaar discloses receiving a long-range command further comprises receiving long-range command by a long-range receiver (108, 142, 122, 144, 159, 106, 110 of Figs.1-2); and step of transmitting translated long-range command to a short-range wireless receiver further comprises transmitting (See Co. 5, Lines 1-10) translated long range command by a wireless transmitter located on vehicle (See Co. 4, Lines 38-45).

Regarding claim 12, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a cellular system (See Co. 5, Line 64 – Co. 6, Line 4, Figs. 1-2).

Regarding claim 13, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a satellite system (See Co. 4, Lines 20-24).

Regarding claim 14, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a digital broadcast system (See Co. 3, Line 50 – Co. 4, Line 10).

Regarding claim 15, Weisshaar discloses receiving a long-range command further comprises

Regarding claim 16, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a phone connection (See Co. 1, Lines 35-60, Co. 3, Line 62 – Co. 4, Line 10 & 108 of Fig.1).

Regarding claim 17, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a pager system (See Co. 1, Lines 35-60, Co. 3, Line 62 – Co. 4, Line 10 & 108 of Fig.1).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Garnault (U.S. Patent 5,929,769), which discloses Hands-free System For Unlocking and / or Opening an Openable Member of a Motor Vehicle

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

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If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Gary, Erika A. can be reached @ (703) 308-0123. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.


Kamran Afshar


ERIKA GARY
PATENT EXAMINER